

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE NORTHERN DISTRICT OF ALABAMA,
NORTHEASTERN DIVISION

THE ALABAMA DEMOCRATIC
CONFERENCE, an Alabama political
action committee, et al.,

Plaintiffs,

v.

LUTHER STRANGE in his official
capacity as the Attorney General of
Alabama; et al.,

Defendants.

CIVIL ACTION NO.
5:11-cv-02449-JEO

**Declaration of Dr. Joe L. Reed in Support of
Motion for Partial Summary Judgment**

1. My name is Joe L. Reed. I am the Chairman of the Alabama Democratic Conference (the Black Political Caucus of Alabama), usually known as the “ADC.” I am over the age of 19 and not operating under any legal disability to giving testimony.

2. I make this declaration based on my own personal knowledge, except where otherwise noted.

3. I have been Chairman of the ADC since 1970.

4. As Chairman and custodian of the records of the ADC, I state the following based on the records of the ADC:

a. The Alabama Democratic Conference (the Black Political Caucus of Alabama) was founded in 1960 by a small group of

black citizens who banded together that year in an effort to influence black voters to support the Democratic presidential ticket of John F. Kennedy and Lyndon B. Johnson.

b. Since 1960 ADC's basic mission has been to organize and unify the black vote and to have it respected by candidates and elected officials alike. Initially the organization moved its mission through a network of committed volunteers who traveled across the state establishing local chapters, holding district meetings, and educating voters.

c. A turning point in the political development of ADC came in 1970 when the organization began to formally screen and endorse candidates for public office. ADC adopted a rule that year requiring Democratic candidates to come before an ADC screening committee in person before they could be endorsed. Since then thousands of candidates have been screened and endorsed by ADC and slated on the well-known ADC yellow ballot.

5. During the time I have been with the organization, the ADC has used its resources to communicate with black citizens on a wide range of activities related to their access to the political process. These include but are not limited to communications on the following subjects:

- a. The right to register to vote and the varying standards and procedures for voter registration;
- b. The varying methods of casting a ballot;

c. The implications of election practices and procedures in their communities;

d. How to obtain fairer voting procedures;

e. The opportunity to serve as poll workers;

f. The right of voters to be free from discriminatory treatment at the polls;

g. The right of voters who need help in voting to receive assistance and to choose for themselves the person whom they wish to provide that assistance.

h. Many of these activities have been undertaken in conjunction with get-out-the-vote (GOTV) drives.

i. The ADC has sponsored candidate forums involving communication between its members and candidates for office on issues of the day.

j. The ADC also has used its resources to communicate information concerning racially discriminatory practices to federal law enforcement officials, and also to support its own lawsuits against at-large voting and other racially discriminatory election practices.

6. The ADC has a close working relationship with the Alabama Democratic Party, the Alabama Education Association and its PAC A-VOTE, and the Alabama Association for Justice (formerly Alabama Trial Lawyers Association) and its PAC called TRIAL. Those organizations have given us funds in the past to carry out GOTV work

because of ADC's expertise in the field and the efficiency of having one GOTV organization, rather than many, working among black voters.

7. Because of the political expertise of ADC's membership, many of the members of the State Democratic Executive Committee are ADC members.

8. Attached to this Declaration are Attachments A and B which summarize the campaign finance forms filed with the Secretary of State by the ADC from 2005 to 2010.

9. Attachment A contains the contributions to the ADC. Attachment A shows that the main contributors to the ADC have been the Alabama Education Association, A-VOTE (a PAC affiliated with AEA), the Alabama Trial Lawyers Association, TRIAL (a PAC affiliated with ATLA), and the Alabama State Democratic Executive Committee. These and other non-candidate groups have together contributed more than half of all ADC's funds during 2005-10.

10. Attachment B contains the expenditures the ADC reported. As Attachment B shows, the principal use of the ADC's funds has been GOTV activities.

11. Attachment B shows that funds were given to candidates and campaigns for two reasons: as a contribution for the candidate, and for GOTV. In areas where our local ADC group was unable to organize a GOTV campaign, we sometimes subcontracted this work to a candidate.

12. Since the adoption of Act 2011-765, the ADC has established two funds on its books so as to segregate funds that may be

constitutionally restricted by the Act and those that may not. The two funds are called the Candidate Fund and the GOTV Fund.¹

a. The Candidate Fund will receive contributions from individuals and businesses.

b. The Candidate Fund will disburse those funds to candidates' principal campaign committees. All money going to candidates – whether for a campaign contribution, for GOTV, or for reimbursement for some other reason – will come from the Candidate Fund.

c. The Candidate Fund may also transfer money to the GOTV Fund.

d. The GOTV Fund will only become active if this Court grants the injunction sought by the ADC.

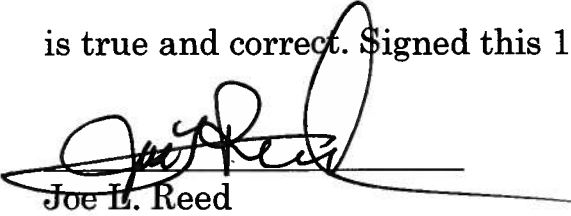
e. The GOTV Fund will seek and receive contributions from any entity – businesses, individuals, 527s, PACs, political parties.

f. The ADC will spend the GOTV Fund for maintaining the ADC infrastructure and for on GOTV-related communication efforts and other independent expenditures (including transfers to other PACs for use in their GOTV or independent expenditures).

¹ At present, we intend to maintain the money for each Fund in the same bank account, but keep records showing the amount in each Fund according to the principles of “fund accounting,” similar to the methods used for accounting by governments and non-profits. If the Court holds that the ADC must use separate bank accounts for the two Funds, we will do so.

g. None of the money in the GOTV Fund will be transferred to candidates or their committees.

Under penalty of perjury, I affirm that the foregoing statement is true and correct. Signed this 16th day of August, 2011.



Joe L. Reed